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C.M.A.No.701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 701 of 2023

V.Damodharan

.... Appellant

Vs

1.Poornima

2.The Reliance General Insurance Company Ltd.,

No.6, Haddows Road, 6th Floor,

Nungambakkam,

Chennai – 600 034.

.... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to allow the above Civil Miscellaneous Appeal and enhance the award in Judgment and Decree dated 01.08.2022 made in MCOP No.1 of 2017 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Poonamallee, Thiruvallur District.

For Appellant : Mr.C.Prabakaran

For R1 : No appearance

For R2 : Ms.G.Sukumari

JUDGMENT

This appeal has been filed under Section 173 of Motor Vehicles Act by the appellant/claimant seeking enhancement of the compensation awarded in



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M.C.O.P. No.1 of 2017 on the file of the Motor Accident Claims Tribunal,
Subordinate Judge, Poonamallee, Thiruvallur District.

2.The brief facts of the case are as follows :

On 16.12.2016, at about 9.30 p.m, while the claimant was standing with another villager on the safer side of Poonamallee – Thiruvallur High Road, Near Viji Tea Stall, Mettukandigai, a car bearing Registration No.TN-11-T-6229, driven in a rash and negligent manner, hit the centre median and thereafter dashed against the petitioner and the said villager. As a result of the accident, the petitioner sustained multiple grievous injuries. FIR was registered against the first respondent/the owner of the car.

3. The claimant filed the above MCOP claiming compensation of Rs.25,03,000/- for the injuries sustained in the said accident. The Claims Tribunal framed the necessary issues and, upon appreciation of the oral and documentary evidence, came to the conclusion that the accident occurred in the manner alleged and that the claimant was entitled to compensation. However, the Tribunal awarded only a sum of Rs.12,54,018/-, which is inadequate.

4. Aggrieved over the same, the present Civil Miscellaneous Appeal has been preferred by the appellant/claimant seeking enhancement.



5. The learned counsel appearing for the appellant/claimant contended that the Tribunal erred in awarding a meagre sum of Rs.12,54,018/- as compensation as against the claim of Rs.25,03,000/-, without properly appreciating the fact that the appellant had sustained permanent functional disability due to the injuries and had consequently suffered loss of future earning capacity. The appellant sustained grievous injuries, including head injuries, a fracture of the left femur and fracture of superior corner of D12, resulting in paraplegia. The appellant underwent surgery and taken treatment from 16.12.2016 to 23.01.2017 at Rajiv Gandhi Government General Hospital, Chennai and thereafter from 23.01.2017 to 09.03.2017 at Sri Bala Hospital. Though the Medical Board assessed the disability at 60%, the Tribunal mechanically adopted the same and fixed Rs.8,000/- per percentage, which is inadequate. Further, the Tribunal erroneously fixed the notional monthly income at Rs.8,000/- despite the evidence showing that the appellant was working as a lorry driver. Therefore, the fixation of income and the compensation awarded towards disability warrant enhancement. Further, the Tribunal awarded only Rs.1,00,000/- towards pain and suffering, which is very low and meager. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.



6. Per contra, the learned counsel for the second respondent/Insurance Company submitted that the Tribunal, upon considering the materials available on record, has awarded 'just compensation' which requires no interference by this Court. However, he did not raise any objection to accepting the Payment advice now produced by the claimant.

7. Considering the nature of injuries sustained by the appellant, his age, period of treatment and other attending circumstances, this Court is inclined to re-assess the compensation and award a sum of Rs.8,82,000/- (Rs.12,000 + 25% towards future prospects *12 * 14 * 35% disability) towards loss of earnings. This Court further awards a sum of Rs.25,000/- towards attender charges. Insofar as the amounts awarded by the Tribunal under the heads of transport to hospital, medical bills, extra nourishment, mental agony and shock pain and suffering, amenities of life, future medical expenses and damage to clothing and articles are concerned, this Court finds the same to be reasonable and proper and hence, they don't require any modification.

8.The following tabular column shows the compensation awarded by the Tribunal and the enhanced compensation awarded by this Court.



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S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Disability	(Rs.8,000 * 60%) 4,80,000/-	(Rs.12,000 + 25% * 12 * 14 * 35%) 8,82,000/-	Enhanced
2.	Loss of Income during treatment	14,933/-	-	-
3.	Transport to Hospital	50,000/-	50,000/-	Confirmed
4.	Medical Bills	4,24,085/-	4,24,085/-	Confirmed
5.	Extra Nourishment	30,000/-	30,000/-	Confirmed
6.	Mental Agony and Shock	50,000/-	50,000/-	Confirmed
7.	Pain and Suffering	1,00,000/-	1,00,000/-	Confirmed
8.	Amenities of Life	50,000/-	50,000/-	Confirmed
9.	Future medical expenses	50,000/-	50,000/-	Confirmed
10.	Damage to clothing and articles	5,000/-	5,000/-	Confirmed
11.	Attender charges	-	25,000/-	Awarded
	Total	12,54,018/-	16,66,085/-	Enhanced by Rs.4,12,067/-

9. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs.

ii.The compensation awarded by the Tribunal is enhanced to 16,66,085/- from Rs.12,54,018/-.



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iii. The appellant / claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional Court fee.

iv. The second respondent / Insurance Company is directed to deposit the enhanced compensation amount as stated above (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P. No.1 of 2017 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Poonamallee, Thiruvallur District, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

v. The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.

vi. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To

1. The Motor Accident Claims Tribunal,
Subordinate Judge, Poonamallee,
Thiruvallur District.

2. The Section Officer,
VR Section,
High Court, Madras.



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